

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action No.
)	06-00265-03-CR-W-DW
NOEL INSUNZA-PELAYO,)	
)	
Defendant.)	

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on January 31, 2007. Defendant Insunza-Pelayo appeared in person and with appointed counsel John Lozano. The United States of America appeared by Assistant United States Attorney David Barnes.

I. BACKGROUND

On August 8, 2006, an indictment was returned charging Defendant with one count of conspiracy to distribute methamphetamine, in violation of 18 U.S.C. §§ 841(a)(1), (b)(1)(A) and 846.

The following matters were discussed and action taken during the pretrial conference:

II. TRIAL COUNSEL

Mr. Barnes announced that he will be the trial counsel for the government. The case agent to be seated at counsel table is Special Agent Chris Allen, ATF.

Mr. Lozano announced that he will be the trial counsel for Defendant Insunza-Pelayo.

III. OUTSTANDING MOTIONS

There are no pending motions in this case.

IV. TRIAL WITNESSES

Mr. Barnes announced that the government intends to call fifteen witnesses without stipulations or twelve witnesses with stipulations during the trial.

Mr. Lozano announced that Defendant Insunza-Pelayo does not intend to call any witnesses during the trial. Defendant Insunza-Pelayo will not testify.

V. TRIAL EXHIBITS

Mr. Barnes announced that the government will offer approximately thirty exhibits in evidence during the trial.

Mr. Lozano announced that Defendant Insunza-Pelayo will not offer any exhibits in evidence during the trial.

VI. DEFENSES

Mr. Lozano announced that Defendant Insunza-Pelayo will rely on the defense of general denial.

VII. POSSIBLE DISPOSITION

Mr. Lozano stated this case is probably not for trial.

VIII. STIPULATIONS

Stipulations are likely as to chain of custody and chemist's reports.

IX. TRIAL TIME

Counsel were in agreement that this case will take three days to try. However, defense counsel advised that a change of plea hearing is going to be requested.

X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed October 5, 2006, counsel for each party file and serve a list of exhibits he intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by Wednesday, January 31, 2007;

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, Wednesday, February 7, 2007;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions by or before noon, Wednesday, February 7, 2007. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and, if available to counsel, 3 and 1/2 inch computer disk in a form compatible with WordPerfect 9.0, 10.0, or 11.0.

XI. UNUSUAL QUESTIONS OF LAW

No motions in limine are anticipated. There are no unusual questions of law.

XII. TRIAL SETTING

All counsel and the defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on February 12, 2007. A Spanish-speaking interpreter is required.

/s/ Robert E. Larsen
ROBERT E. LARSEN
United States Magistrate Judge

Kansas City, Missouri
January 31, 2007

cc: The Honorable Dean Whipple
Mr. David Barnes
Mr. John Lozano
Mr. Jeff Burkholder